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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,001	01/23/2004	Nicholas G. Duffield	Duffield 2003-0207	8944

7590
Henry T. Brendzel
P.O. Box 574
Springfield, NJ 07081

EXAMINER

MAIS. MARK A

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

8

Office Action Summary	Application No. 10/764,001	Applicant(s) DUFFIELD ET AL.	
	Examiner Mark A. Mais	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) was filed on January 23, 2004, together with the current Application. The submission is in compliance with the provisions of 37 C.F.R. 1.97. According, the examiner considered the IDS.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jorgensen (USP 6,862,622).

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4. With regard to claim 1, Jorgensen et al. discloses a method for assigning packets belonging to traffic of a network to different quality of service (QoS) treatments, comprising the steps of

receiving a packet [**Abstract**], and

assigning the packet to one of a preselected of QoS treatments , based to an attribute the packet, in accordance with a set of rules that was created pursuant to a statistical analysis of traffic in the network [**col. 15, lines 9-17**].

5. With regard to claim 13, Jorgensen et al. discloses a method executed in a network for assigning packet traffic to classes of service comprising the steps of

receiving a packet [**Abstract**]; and

assigning the packet to said one of said classes based on one or more attributes of the packet, pursuant to a mapping derived from analysis of past traffic on said network, which analysis correlates said one or more attributes associated with packets of different connections with connection features [**col. 15, lines 9-17**].

6. With regard to claim 14, Jorgensen et al. discloses a method for developing a corpus of data for creating set of rules for assigning packets for different QoS treatments, comprising the steps of:

selecting a set of classes [**col. 15, lines 9-17**];

selecting a set of applications, where each of said applications unambiguously belongs to only one of said classes, and where said set is such that every one of said classes is covered by at least one of the application in the set [**col. 15, lines 9-17**];

selecting a set of features; capturing traffic in a training network, which traffic belongs to applications that are included in said set; and developing statistics for said set of features for each of said classes from said traffic in said training network [col. 58, line 58 to col. 59, line 2].

7. With regard to claim 15, Jorgensen et al. discloses a method for developing a set of rules for assigning packets in a target network to different classes, comprising the steps of:

selecting one or more packet attributes **[this is inherent to level 2/3 routing and switching]**;

analyzing traffic in said target network to create statistical information for each value of said one or more packet attributes, which statistical information pertains to the selected set of features of claim 14 [col. 58, line 58 to col. 59, line 2]; and

classifying each of said values of said one or more packet attributes into one of the classes of claim 14 based on a selected algorithms that investigates said statistical information for each of said values of said one or more packet attributes and the statistics developed in the method of claim 14 [col. 58, line 58 to col. 59, line 2].

8. With regard to claim 2, Jorgensen et al. discloses that the network is an enterprise network that is part of a larger network **[Abstract]**.

9. With regard to claim 3, Jorgensen et al. discloses that the larger network is the Internet **[Abstract]**.

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10. With regard to claim 4, Jorgensen et al. discloses that the attribute is a field in a header of said packet, and said assigning is based on value of said field **[this is inherent to level 2/3 routing and switching]**.

11. With regard to claim 5, Jorgensen et al. discloses that the field is a connection port number **[col. 18, lines 18-33]**.

12. With regard to claim 6, Jorgensen et al. discloses that the field is a source IP number **[col. 18, lines 18-33]**.

13. With regard to claim 7, Jorgensen et al. discloses that the field is a destination IP number **[col. 18, lines 18-33]**.

14. With regard to claim 8, Jorgensen et al. discloses that the step of assigning is based combination more than one attribute **[col. 18, lines 18-33]**.

15. With regard to claim 9, Jorgensen et al. discloses that the step of assigning is based values of said more than one attribute **[col. 18, lines 18-33]**.

16. With regard to claim 10, Jorgensen et al. discloses that the analysis process comprising the steps of:

obtaining statistical data regarding connections in said network, segregated by different values of said attribute, which statistical data pertains to preselected connection features [**col. 58, line 58 to col. 59, line 2**], and

associating each of said values of said attribute with a class, pursuant to a classification that maps said statistical data to classes, based on previously conducted training session that extracts characteristics of said preselected features of each of said classes [**col. 15, lines 9-17**].

17. With regard to claim 11, Jorgensen et al. discloses that the training process for executing said training session comprising the steps of:

selecting applications that are representative of different ones of said classes [**col. 58, line 58 to col. 59, line 2**]; and

analyzing traffic in a training network that belongs to said applications, to develop statistics for said preselected features [**col. 58, line 58 to col. 59, line 2**].

18. With regard to claim 12, Jorgensen et al. discloses that the training network encompasses more than said network where packets are assigned [**Abstract**].

19. With regard to claim 16, Jorgensen et al. discloses a step of mapping said classes to QoS treatments [**col. 15, lines 9-17**].

20. With regard to claim 17, Jorgensen et al. discloses that the step of analyzing to create

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statistical information creates said statistical information recursively [col. 58, line 58 to col. 59, line 2].

21. With regard to claim 18, Jorgensen et al. discloses that the step of analyzing analyzes traffic of a predetermined time interval of data [this is inherent].

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Jorgensen (USP 7,251,218), Method and computer program product for Internet Protocol (IP) Flow Classification in a wireless point to multipoint (PTMP) transmission system.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAM

September 26, 2007


WING CHAN 10/1/07
SUPERVISORY PATENT EXAMINER